



# FY 2021 / FY 2022 Business Case

**Agency:** Department of Administrative Services

**Request Title:** Judicial Conduct Commission Legal and Professional services program

**Request Amount & Source:**

FY 2021 One-time	FY 2022 One-time	FY 2022 Ongoing	Total Request
\$52,000		\$12,000	\$0

**Performance Improvement Specialist & Contact Information:** *[Required for cabinet agencies]*

**1. What system or program is the focus of this request?**

a. The one-time request is to augment our funds that the JCC is statutorily authorized to retain for the payment of legal / professional services to support of core function of investigating and resolving complaints against judges. Due to ongoing litigation and case matters, this fund has been depleted. Historically, the JCC regularly frugally saves to replenish this fund.

b. The FY22 ongoing request is to increase the base line budget so that the JCC may continue to regularly frugally save to replenish our statutorily authorized payment of legal / professional services fund. Ongoing operational costs have slowly risen over time and have precluded the JCC from accruing sufficient yearly savings to replenish this fund.

**2. What are the current performance metrics for the system or program, including a measure for QT/OE?**

a. The current performance measure for the program is quality legal or professional services retained in support of JCC core mission function of investigating and resolving complaints against Utah Judges.

b. Additional performance measure includes that legal services will be first sought from AG's office; that any outside litigation legal services will be coordinated with AG's litigation section; that investigative services will be regularly evaluated, assessed and approved by the Commission as a body.

**3. Summarize the current budget for this system or program. If this is a new system or program, summarize the current budget for the line item and appropriation code(s) in which this new system or program will operate.**

a. The program is budgeted at Desired Remaining Balance (27% of Legislative Appropriation) which would be \$75,384. This budget amount was determined with Finance Department accountants and is based on historic estimation.

b. The program is currently funded at \$23,678.

**4. What problem would be solved with additional funding? Show historical data to support and quantify problem statement.**

a. A shortfall of current funding would be solved by the one-time request. It would also assist funding ongoing litigation and case matters. The fund was properly depleted (and used). It is now being used again before regular frugal savings by the JCC can adequately replenish it.

b. The ongoing funding request would solve the problem of fund replenishment in the out years. It would allow the JCC to use frugal yearly savings to replenish the fund.

**5. What has been done to solve this problem with existing resources? What were the results?**

a. The JCC has moved and reduced its physical size resulting in lease savings. The JCC has kept unfilled a PT employee position resulting in HR savings. The JCC has reduced its expenditures associated with monthly meetings resulting in operational and travel savings.

b. These significant savings by the JCC have not been enough to both cover current litigation and ongoing case matter costs while at the same time replenishing the fund.

**6. How will new funding be utilized? What operational changes will be made to maximize new resources? Also, please summarize any legislation needed in conjunction with this incremental budget change request. [Cabinet agencies must coordinate all legislation through the Governor's general counsel.]**

a. The one-time funding request will be used to pay current obligations and replenish the fund to a sustainable level. The ongoing funding request will be used to maintain replenishment of the fund as the JCC continues base line operations.

b. There are no necessary legislative changes need to support this request.

**7. What are the anticipated results or outcomes of how the new funding will be utilized? What measure(s), including quality, throughput, and costs, will be used to track the change over time? Is data currently available to support these measures?**

a. The JCC anticipates being able to pay current costs associated with litigation and ongoing case matters in addition to replenishing the base funding of this program.

b. Thereafter, with the ongoing funding request, the JCC anticipates being able to maintain and replenish this fund as necessary to pay for legal or professional services in support of its core function of investigating and resolving complaints against Utah judges.

**8. What are potential negative effects if the funding is not received?**

a. The potential negative effect associated with the one-time funding request is that the JCC is unable to pay ongoing legal or professional expenses in the current fiscal year and must request emergency funding, or payment results in the depletion of all the current funds limiting later legal or professional services in support of investigations, or the JCC eliminates those expenses by terminating or limiting those investigations.

b. The potential negative effect associated with the ongoing funding request is that the JCC is unable to replenish the fund and would need to seek regular one time funding requests to pay for legal or professional services associated with investigating and resolving complaints against Utah judges.